STAND. COM. REP. NO.

1425

Honolulu, Hawaii
MAR 21 , 2025

RE: S.B. No. 228

S.D. 1 H.D. 1

Honorable Nadine K. Nakamura Speaker, House of Representatives Thirty-Third State Legislature Regular Session of 2025 State of Hawaii

Madame:

Your Committee on Health, to which was referred S.B. No. 228, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXCITED DELIRIUM,"

begs leave to report as follows:

The purpose of this measure is to prohibit excited delirium from being:

- (1) Recognized as a valid medical diagnosis or cause of death in the State or stated on a certificate of death or any report as to the cause of death by a local health officer or agent of the Department of Health; and
- (2) Used by a law enforcement officer to describe an individual in an incident report.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Hawaii Disability Rights Center; Community Alliance on Prisons; Hui Malama Pono Hawai'i; National Police Accountability Project; ACLU of Hawai'i; and numerous individuals. Your Committee received comments on this measure from the Judiciary and Department of Health.

Your Committee finds that "excited delirium" is a term with no medical basis that is used to justify the use of excessive force by some law enforcement officers against individuals experiencing a mental health crisis. Your Committee further finds that "excited delirium" has no consistent definition or diagnostic criteria and is not currently included in the DSM-5, the authoritative classification system for mental health disorders used by medical professionals in the United States. Your Committee believes that the interests of justice and public health and safety dictate that "excited delirium" should not be used for purposes of medical diagnoses or in the context of government or judicial actions.

Your Committee also finds that H.B. No. 36, H.D. 2 (Regular Session of 2025), a substantially similar measure, was previously passed by the House.

Your Committee has amended this measure by deleting its contents and inserting the contents of H.B. No. 36, H.D. 2, a measure that:

- (1) Prohibits excited delirium from being recognized as a valid medical diagnosis or cause of death in the State and places this prohibition in Chapter 327C, Hawaii Revised Statutes, relating to death;
- (2) Prohibits a medical examiner, coroner, or health care provider from stating on a certificate of death or in any report that the cause of death was excited delirium;
- (3) Prohibits law enforcement officers from using the term excited delirium to describe an individual in an incident report;
- (4) Establishes a new Hawaii Rule of Evidence that deems evidence that a person experienced or suffered excited delirium inadmissible in a civil action; and
- (5) Takes effect July 1, 3000.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 228, S.D. 1, as amended herein, and recommends that it pass Second

Reading in the form attached hereto as S.B. No. 228, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Health,

GRECA TAKAYAMA, Chair

State of Hawaii House of Representatives

The Thirty-third Legislature

HSCR 1425

Record of Votes of the Committee on Health

Bill/Resolution No.: Committee SB 228 SD HLT		Date	20 h 19	302€
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	X	·		
		10 Sept. 18 10 10 10 10 10 10 10 10 10 10 10 10 10		
2. KEOHOKAPU-LEE LOY, Sue L. (VC)	X		91 (F27-7)	
3. AMATO, Terez				
3. AMATO, Terez				E VARANCE V
4. CHUN, Cory M.	X		10 142 - Mar 14	h 2 71,0
5. MARTEN, Lisa	X		N SANUTATA EN LA CAMBANTA DE LA CAMB	langh da Bara
學。這些學術表示學學學學				
6. OLDS, Ikaika	X			
7. TAKENOUCHI, Jenna				
8. ALCOS III, David				
o. Alecos III, Bavid				
9. GARCIA, Diamond	Alle Pullet in Bales in Alle			<u>. Trojer dej 18. o</u>
		· ·		
TOTAL (9)	7	2		
The recommendation is: Adopted If joint referral, committee a ronym(s) Adopted did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				